UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

SPLOS

MEETING OF
STATES PARTIES

Distr.
GENERAL

SPLOS/39
21 May 1999

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Ninth Meeting
New York, 19-28 May 1999

ISSUES SUBMITTED TO THE MEETING OF STATES PARTIES BY THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

Note by the Secretariat

1. The Eight Meeting of States Parties to the United Nations Convention on the Law of the Sea in May 1998 requested the Secretariat to explore the various possibilities that could be made available to allow all members of the Commission on the Limits of the Continental Shelf to participate in the Commission, as well as the modalities for a trust fund, on the understanding that the Convention clearly sets out the principle that States parties should defray the costs of the members they nominated (SPLOS/31, para. 55).

2. This decision was taken following the consideration of the issues submitted by the Chairman of the Commission on its behalf which, inter alia, contained a request for the Meeting of States Parties to consider a recommendation for the establishment of a trust fund to be administered by the Secretary-General of the United Nations. Such a fund would be used to meet the travel and accommodation expenses of members of the Commission from developing countries (SPLOS/28, para. 5 (b)).

3. Normally trust funds are established and administered by the United Nations in accordance with the Secretary-General's bulletin ST/SGB/188 of 1 March 1982 and with administrative instruction ST/AI/284, also dated 1 March 1982. The management of trust funds is governed by the United Nations Financial Rules and Regulations.

4. Trust funds may be established either by the General Assembly or by the Secretary-General. When a trust fund is established by the General Assembly, the terms of reference of the fund are set out in a General Assembly resolution or in documentation referred to in the resolution. Before the fund is established, prospective donors must be made fully aware of United Nations policy and procedures regarding trust funds. In particular, they should be advised that trust funds are charged programme support costs for all activit s

financed from the trust funds, the amount to be calculated at a standard percentage rate approved by the General Assembly. The conclusion of an agreement between the Organization and prospective donors might also be necessary.

5. Trust funds have been created within the United Nations system to ensure that delegates from developing countries are able to participate in conferences and other forums convened under the auspices of the United Nations and have consisted of voluntary contributions made by States for the purposes of a specific trust fund. For example, the General Assembly in its resolution 47/192 of 22 December 1992 decided to establish a voluntary fund for the purpose of assisting developing countries, especially those most concerned by the subject matter of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, to participate fully and effectively in the Conference. The Assembly also invited Governments and regional economic organizations to contribute to the trust fund.

6. The main objective in that case was to allow Governments of the developing countries to communicate their views to the Conference to enable it to adopt a decision arrived at with the participation of all States concerned, including the representatives of such developing States.

7. In the case of the Commission on the Limits of the Continental Shelf, its members are elected in their personal capacity as experts in the field of geology, geophysics or hydrography. Their functions are to consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles and to make recommendations in accordance with the provisions of the Convention. They also provide scientific and technical advice, if requested by the coastal State concerned, during the preparation of the data referred to above.